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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAY CANTRELL,  
#1007344

Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

2:10-cv-02219-JCM-GWF

## ORDER

17 Presently before the court is defendants Aranus, Dwight Nevens, and Cynthia Soblinca's motion  
18 to dismiss the case for failure to exhaust administrative requirements. (Doc. #15). This court granted the  
19 plaintiff an extension of time in which to file a response (doc. #21); however, to date, the response  
20 deadline has again passed, and no response has been filed.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali*

<sup>1</sup> *v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

3 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the  
4 court finds dismissal appropriate.

5 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to dismiss (doc. #15) be, and the same hereby is, GRANTED. The case is hereby dismissed without prejudice as to defendants Aranus, Nevens, and Soblinca.

9 DATED this 21st day of July, 2011.

Jewell C. Mahan  
UNITED STATES DISTRICT JUDGE